

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

\_\_\_\_\_  
No. 03-2163  
\_\_\_\_\_

UNITED STATES OF AMERICA

v.

CHELSEA L. YOCUM,

Appellant  
\_\_\_\_\_

On Appeal from the United States District Court  
for the Middle District of Pennsylvania  
(D.C. No. 01-cr-00072-2)  
District Judge: Honorable William W. Caldwell  
\_\_\_\_\_

Submitted Under Third Circuit LAR 34.1(a)  
October 25, 2004

Before: SCIRICA, *Chief Judge*, FISHER and ALDISERT, *Circuit Judges*.  
\_\_\_\_\_

JUDGMENT  
\_\_\_\_\_

This cause came on to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on October 25, 2004. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of conviction order entered April 17, 2003, be and the same is hereby AFFIRMED. The sentence is hereby VACATED and the case is REMANDED for re-sentencing. All of the above in accordance with the opinion of this Court.

Certified as a true copy and issued in lieu  
of a formal mandate on 4-29-05

*Marcia M. Waldron*

Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit  
Dated: April 7, 2005

ATTEST:

*Marcia M. Waldron* U.S. Clerk of Appeals for the

Marcia M. Waldron, Clerk